

Local Plans Expert Group Report

Representation to DCLG



27 April 2016

The Heritage Alliance is the key coalition of heritage interests in England, bringing together 100 mainly national organisations which are in turn supported by over seven million members, Friends, volunteers, trustees and staff. Together they own, manage and care for, the vast majority of England's heritage. The Alliance takes a strong interest in planning policies affecting the historic environment through its Spatial Planning Advocacy Group which draws on the knowledge and expertise in its membership. We work closely with Historic England as the government's advisor on the historic environment and the Alliance is a member of the National Planning Forum of cross-sectoral interests in a fit-for-purpose planning system.

The Heritage Alliance welcomes this opportunity to respond on the Local Plans Expert Group Report to the Communities Secretary and to the Minister of Housing and Planning. We support DCLG being proactive in taking this step to consider how Local Plan making can be made more efficient and effective. To this end we submitted evidence to the Local Plans Expert Group in October 2015¹.

We submit the following points:

1. The Alliance supports a Local Plan-led approach to development, which protects the natural and historic environments and involves local communities, supported by the National Planning Policy Framework (NPPF) and associated guidance. This has served to protect the historic environment while allowing appropriate development. We are disappointed that four years after NPPF was published, 17% of Local Planning Authorities (LPAs) have still not published Local Plans and 34% have not yet adopted Plans². We support the view that plan-making should be a statutory LPA duty, with timely production of plans for sustainable development that allow local people to remain engaged in the development in their community.
2. The inconsistency of provision across the country is of especial worry given that Local Plans will serve as qualifying documents for granting permission in principle under measures in the Housing and Planning Bill 2015-16. We assert the value of the historic environment across the country and need to apply sufficient measures for its protection equally across all regions. We are also concerned by the report's finding that Local Plans are slowing down and taking longer to prepare and examine. With this trend in mind, we welcome the government's commitment to ensure delivery of Local Plans by 2017 (as articulated by the Chancellor in the 2016 Budget³). Where we are concerned is the capacity of LPAs to achieve this deadline, and without extra support for LPAs we worry about the quality of resulting Local Plans if produced in a rush. Our foremost concern here is the detrimental effect this may have on providing sufficient assessment of natural and historic environment resources. We commend to government the need for a sound and up-to-date evidence base (NPPF paragraphs 158–77) is critical and must

¹ The Heritage Alliance (October 2015) Local Plans Process Consultation Response [<http://bit.ly/1NnT0sz>]

² CLG Committee (April 2016) Report: Department for Communities and Local Government's consultation on national planning policy [<http://bit.ly/25ABJGg>]

³ HM Treasury (March 2016) Budget 2016 [<http://bit.ly/1R2QgNv>]

include advice from statutory consultees such as Historic England, Natural England and the Environment Agency as to what local policies are needed for the environment and the environmental constraints and opportunities of proposed site allocations to help ensure that sustainable development is achieved.

3. We would question the timescale for the Government to change the Local Plans system to allow a swifter process of plan production against a plan adoption deadline of 2017. We believe that the focus should be on ensuring that all LPAs have post-2012 adopted (or at least with adopted revisions) Core Strategies or strategic policies for their area together with site allocations. The latest PINS figures⁴ show that only about 110 have reached this point and it will be near impossible to get all of the rest to this point within a year. That should be the immediate priority, amending the process afterwards. Our underlying concern here is again the inadvertent adverse effect this may have on the natural and historic environments.
4. We would support the recommendation for a change to legislation placing a statutory duty on Local Authorities to produce and maintain an up-to-date Local Plan. We are concerned by proposals to take over the plan-making process of LPAs who fail to meet the deadline or impose financial penalties on those making slow progress, since this could be counter-productive. We believe that we are at a stage where direct help in the form of sending experienced Planning Inspectors and other expert Planners to assist struggling local plans teams is needed. The National Planning Policy Framework recognises the need for expert advice and requires local planning authorities to maintain or have access to a Historic Environment Record (HER) [NPPF para.169]. Professional planning advice and a well-maintained HER are critical for local economic growth and development, by allowing commercial firms to meet statutory requirements more promptly, for specialists to provide an early indication of the impact on heritage assets, and help to prevent wasted applications, unmanaged risk (and compensation), and minimise unplanned costs and delays to development. For the Local Authorities, properly managed information underpins their museum and archive services as well as their planning advice including that relating to agri-environment schemes. Now, with mass public asset transfer ahead, there is an even more urgent need to know and understand the significance of what assets they own. We urge that a statutory duty be placed on Local Authorities to provide historic environment services.
5. Though the Report suggests that some advice should be given on what strategic policies are needed, it does not recommend the use of model policies and we tend to agree. We would strongly recommend LPAs seek advice from statutory consultees such as Historic England, Natural England and the Environment Agency as to what local policies are needed for the natural and historic environment in their area and the constraints and opportunities of proposed site allocations to help ensure that sustainable development is achieved, as set out in the NPPF.
6. We would agree that if the plan-making process is to be reformed to streamline it, the NPPF and NPPG should be made clearer in this area. But having carried out this reform and any required by the Housing and Planning Bill 2015-16, we think that a period of continuity in planning policy and regulations would help LPAs get on with their key functions of plan-making and decision-taking for a while without the goalposts changing yet again. A period of

⁴ Planning Inspectorate Plan Progress (31 March 2016) [<http://bit.ly/1Tso3m9>]

stability is required in order not to undermine confidence in the planning system. We suggest, however, that after four years a review of how well the NPPF has worked is needed before wholesale changes are made. We would hope that proposed changes to the NPPF and NPPG are subject to scrutiny by a technical working group, drawn, for instance, from the Government's Planning Sounding Board, before the changes are made so that their potential effect is fully considered. Our fundamental concern in this respect is that the natural and historic environments continue to receive the level of safeguarding enshrined in the current NPPF and NPPG.

7. In all these changes to speed up the plan making process we believe it is essential not to lose sight of the crucial need to allow local people to have a say in the future of their local area. Consultation on a Local Plan must take place early enough to allow community engagement on a vision and high-level options for the Local Plan area. The Regulation 18 Consultation is important as it allows local people to see and understand what their new Local Plan may look like, rather than them have to read the earlier policy papers and looking at site allocation issues and options documents and maps. Our concern here is predicated on our belief in the crucial role of civil society to participate in planning and we commend to government the seven core values drawn up by the International Association of Public Participation in order to provide for *collaborative planning for all*⁵. In this respect we would further recommend to government the BIMBY Toolkit⁶, produced by a partnership including four Heritage Alliance members (Civic Voice, the National Trust, CPRE and CLA). The toolkit is a simple and practical online tool that will empower communities to work with local authorities and developers to create a regional BIMBY Housing Manual.
8. We are concerned with the Report's recommendation on how to calculate Objectively Assessed Need for Housing (OAN) and the housing numbers the plan is required to provide, because it calls for reserve sites as well as the identified sites and this will lead to reserve or less suitable sites being cherry-picked by developers because they will most likely be greenfield sites in less sustainable locations. The Alliance supports the principle of making the most efficient use of land by re-developing brownfield sites, where appropriate to local circumstances and weighed against the environmental impact (including impact upon heritage assets of archaeological interest); this follows the core principle in NPPF (paragraph 17). Members of The Alliance's Spatial Planning Advocacy Group continue to be concerned with greenfield sites being seen as 'easy targets' by developers, with greenfield sites coming forward unnecessarily in areas where brownfield sites with planning permission are available. We would encourage use of brownfield sites, where suitable, with the integration of new developments into existing settlements in order to be fully sustainable. As a response to a written question recently raised in the Lords has shown [HL7175], there are currently 658,000 homes with planning permission that have not yet been built. We therefore reiterate the Communities and Local Government Select Committee's call on government to set out how it will encourage the delivery of sites with extant planning permission and brownfield development to meet local housing needs⁷.

⁵ Civic Voice (2014) Collaborative Planning For All [<http://bit.ly/1yf5nZL>]

⁶ <https://www.bimby.org.uk/about-bimby>

⁷ CLG Select Committee (April 2016) Report: Department for Communities and Local Government's consultation on national planning policy [<http://bit.ly/25ABJCG>]

9. We are worried by the Report's recommendation for a smaller, focused evidence base with a revised definition of the requirement for evidence to support a Local Plan: "Only such supporting documents as the local planning authority considers strictly necessary to show whether the plan is legally compliant, sound and in compliance with the duty to cooperate". An essential precursor to the plan-making is the need to produce a sound and up-to-date evidence base (NPPF paragraphs 158–77). We would strongly recommend LPAs seek advice from statutory consultees such as Historic England, Natural England and the Environment Agency as to what should be included in the evidence base for the natural and historic environment in their area. This information helps identify the constraints and opportunities of proposed development in the plan to ensure that sustainable development is achieved in accordance with the NPPF.

The Heritage Alliance has made representation to government on several occasions in recent months on proposed changes to planning policy, responding to the CLG Select Committee inquiry into Consultation on National Planning Policy⁸, the DCLG National Planning Policy: consultation on proposed changes⁹, the DCLG Technical consultation on implementation of planning changes¹⁰ and the DCLG/Defra Rural Planning Review¹¹. We are exceedingly concerned that the cumulative effect of the proposed measures is to skew the presumption in favour of sustainable development, as enshrined in NPPF, towards a presumption in favour of meeting Objectively Assessed Need for Housing.

The Heritage Alliance believes that our heritage is one of our greatest national assets. It is a source of national pride and an engine for economic growth as widely demonstrated in the social, economic, environmental and cultural impacts. To ensure that these benefits are realised by government, businesses, communities and individuals, it is vital that changes to planning policy maintain and improve the existing level of protection.

Contact

Kate Pugh OBE
Chief Executive
The Heritage Alliance
10 Storey's Gate
London SW1P 3AY

020 7233 0800

kate.pugh@theheritagealliance.org.uk

Henry Russell, OBE MA (Cantab) DipBldgCons FRICS FSA IHBC
Charles Wagner, BSc DipTP MA IHBC MRTPI FSA FRSA
Co Chairmen, The Heritage Alliance's Spatial Planning Advocacy Group

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Registered Office: Clutha House 10 Storey's Gate, Westminster, London SW1P 3AY

⁸ The Heritage Alliance's response (January 2016) [<http://bit.ly/1oJ4go0>]

⁹ The Heritage Alliance's response (February 2016) [<http://bit.ly/1mXqlhq>]

¹⁰ The Heritage Alliance's response (April 2016) [<http://bit.ly/1Qhft55>]

¹¹ The Heritage Alliance's response (April 2016) [<http://bit.ly/22KQqoG>]